

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

UNITED STATES OF AMERICA

VS.

**MICHAEL BENTON,**

Defendant

**NO. 5: 04-CR-127 (WDO)**

RE: VIOLATION OF SUPERVISED RELEASE

<b>ORDER ON PRELIMINARY EXAMINATION AND FOR DETENTION</b>
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Defendant **MICHAEL BENTON** this day appeared before Claude W. Hicks, Jr., United States Magistrate Judge for the Middle District of Georgia, for a **PRELIMINARY EXAMINATION** under provisions of Rule 32.1 of the Federal Rules of Criminal Procedure. He was represented by Mr. John Francisco of the Macon Bar; the United States was represented by Assistant United States Attorney Jennifer Kolman.

After consideration of the testimony of U. S. Probation Officer Todd D. Garrett and of the evidence submitted on behalf of the government, the undersigned finds that PROBABLE CAUSE does exist that the allegations set forth in the Revised Petition for Action on Supervised Release filed on October 30, 2007 have been committed as set forth in said petition, and that defendant **MICHAEL BENTON** did violate conditions of supervised release as charged therein.

Upon consideration of the provisions of 18 U.S.C. §3143(a), the court finds that release from custody at this time is inappropriate in this case. There is probable cause to believe that the **SUPERVISED RELEASEE** violated conditions of supervision by possessing or using a controlled substance on or about July 27<sup>th</sup>, August 15<sup>th</sup>, and October 4<sup>th</sup>, 2007, and there is every indication that he would continue to abuse illegal drugs were he permitted to be released from custody. Therefore, IT IS ORDERED AND DIRECTED that he be **DETAINED** by the United States Marshal until further order of the court.

While held in custody, said **SUPERVISED RELEASEE** shall be afforded reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility wherein he is confined shall deliver him to the United States Marshal for the purpose of an appearance in connection with this court proceeding. Said **SUPERVISED RELEASEE** shall appear before the Honorable Hugh Lawson district judge, for a **FINAL HEARING** as directed by Judge Lawson. The Clerk of Court is directed to forward this order and the within file to Judge Lawson for the scheduling of said **FINAL HEARING** at the earliest possible time.

SO ORDERED AND DIRECTED, this 31<sup>st</sup> day of OCTOBER, 2007.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr." The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

CLAUDE W. HICKS, JR.  
UNITED STATES MAGISTRATE JUDGE